

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1832

UNITED STATES OF AMERICA

) Magistrate Docket No. _____

2008 JUN 12 PM 1:33

Plaintiff

v.

Abel SANCHEZ-ORTIZ

) COMPLAINT FOR
) VIOLATION OF:
) TITLE 18 U.S.C. § 1544
) Misuse of Passport

Defendant

The undersigned complainant, being duly sworn, states:

On or about June 11, 2008, within the Southern District of California, defendant Abel SANCHEZ-ORTIZ did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a photo-substituted and altered U.S. Passport bearing the altered passport number 054892222, originally issued with passport number 054892629, bearing the name Mario ESCOBAR, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Mario ESCOBAR, that the passport was not issued or designed for her use; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
 Senior Special Agent
 U.S. Department of State
 Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 12th day of June, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Abel SANCHEZ-ORTIZ, used the passport issued or designed for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 06/11/2008, at approximately 0630 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified herself with photo substituted and altered US Passport with altered passport number 054892222, bearing the name Mario ESCOBAR, DPOB 10/13/1975, Mexico, and a photograph of DEFENDANT. The officer noticed some discrepancy in the security features of the photograph area, and DEFENDANT was referred for secondary inspection.
4. On 06/11/2008, at approximately 0815 hours, the Affiant was advised by CPB at the San Ysidro Port of Entry that the DEFENDANT had been detained at the secondary inspection.
5. On 06/11/2008, at approximately 1210 hours, DEFENDANT was retrieved from a seating area in the secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer who also acted as translator, interviewed DEFENDANT. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Abel SANCHEZ-ORTIZ, DPOB, 04/28/1981, Loma Bonita, Oaxaca, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he promised to pay a smuggler in Tijuana, Mexico, approximately \$1,800 for the use of the passport and transportation to Escondido, CA. DEFENDANT said that he was subsequently provided with US Passport number 05489222, in the name of Mario ESCOBAR, with a date of birth of 10/13/1975. DEFENDANT admitted knowing that his photograph had been placed on the passport.
6. DEFENDANT admitted to using the false U.S. Passport on 06/11/2008, to apply for entry into the US, at the San Ysidro Port of Entry. He admitted knowing that it was not issued or designed for his use. He stated that he believed that the U.S. Passport belonged to Mario ESCOBAR. DEFENDANT admitted that this was his sixth attempt to illegally cross the border since 05/29/2008. DEFENDANT made an oral recorded statement as to his true identity and to elements of the charge.



7. On 06/11/2008, Affiant examined the altered U.S. Passport and determined that the passport number, date of birth and photograph had been altered. Affiant conducted a records check in the US State Department passport database. Checks determined that U.S. Passport number 054892629 (not 05489222) was originally was issued in the identity of Mario ESCOBAR, DPOB 10/13/1925 (not 10/13/1975), Mexico. Records indicate that in 2006 the passport was reported stolen in a robbery in Tijuana, Mexico.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offenses on 06/11/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Mario ESCOBAR, knowing that it was not issued or designed for his use, in order to gain admission into the United States.